

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

FEBRUARY 09, 2016

PRESENT:

Kitty Jung, Chair
Bob Lucey, Vice Chair
Marsha Berkbigler, Commissioner
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

16-0105 **AGENDA ITEM 3** Public Comment.

Steve Comen spoke regarding the Galena High School Band and he stated they had been invited to represent the State of Nevada at the 75th anniversary of the attack at Pearl Harbor on December 7, 2016 in Honolulu, Hawaii. He said they needed to raise \$100,000 in order for the entire band to attend. He noted there was information about the event and opportunities to donate on their website at www.Galenaband.com.

Bob Heddy stated he had an issue behind his home in Washoe Valley with a non-profit horse rescue organization called Horse Power. He said the animal pens were not cleaned on a regular basis and he indicated it was required for animal pens on livestock property larger than one acre to be cleaned at least once every seven days. He asked for assistance from the Board.

Sam Gettle stated he owned six pieces of property west of Veterans Elementary School. He asked for assistance with a United Parcel Service driver who continually sped down the street and the alley near the school and his property. He stated the driver also double-parked in front of the school and in the alley.

Alise Dalrymple stated she was opposed to banning medical marijuana. She said a friend whose four year old daughter had seizures had to move back to California to get her medication because they could not get it here. In the almost two years the girl had been on the medication, her seizures had decreased by 75 percent. She stated it was an amazing medication and she had seen the benefits first-hand.

A- 3/22/16 #5

Will Brown spoke regarding Home Owners Associations (HOAs) and read a statement about what they could legally control in neighborhoods. He thought realtors would encounter issues with sales in areas with HOAs.

Cathy Brandhorst spoke about matters of concern to herself.

Dr. Robert Summers stated he was opposed to the future changes in the Code regarding a recreational cross over with medical marijuana facilities. He said he was opposed to the distance restrictions, increased security and zoning restrictions. He indicated he was not opposed to fee structure changes. He urged the County to adopt the same regulations that the State adopted.

Sam Dehne spoke regarding being the watchdog and the driving force of the County.

Ardena Perry spoke regarding Agenda Item 16. She said it was not business friendly to tether animals outside of retail commercial areas. She stated there were enforcement issues with Animal Services and with Animal Control Officers requiring citizens to prove they possessed a disposable fecal bag while walking a dog. She stated there was not enough staff to enforce the current regulations.

Dee Williams stated Commissioner Berkbigler had her contact information. She was concerned that child abuse court case documents were being destroyed.

Jimmie Martin was concerned that exotic animals were being eliminated out of fear. He expressed that exotic animals opened minds to other parts of the world and the people who lived there. He submitted a letter, which was placed on file with the Clerk.

Lisa Krasner spoke in favor of the proposed code changes which would disallow retail marijuana and imposing stricter requirements. She thanked the Board for addressing this important issue.

16-0106 **AGENDA ITEM 4** Announcements/Reports.

John Slaughter, County Manager, stated Agenda Item 5B needed to be removed from the agenda. He requested that Agenda Items 5D1 and 5E2 stay on the consent agenda but asked for staff to be allowed to give a short presentation on them.

Commissioner Berkbigler indicated that child abuse records were not being destroyed. She explained that State law approved documents to be scanned and retained electronically and the paper copies could be destroyed or placed in storage. She said that Joey Orduna Hastings, Assistant County Manager, met with the constituent who appeared to the Board about the issue and explained that the County Commission did not

have authority over the courts. Commissioner Berkbigler stated she was assured the documents were being protected. Next, she provided an update on the school facilities meeting. She stated a committee was formed that consisted of representatives from the City of Reno and the City of Sparks, and she was the representative from the County. She indicated there were also representatives from all aspects of business as well as staff from the School District. She said the Superintendent of Schools sat on the committee to assist with information but did not have a vote on the direction that was given. She explained the Committee had narrowed the possibilities for the potential tax increase ballot question to three potential proposals: 1) Increase sales tax; 2) Increase property tax; 3) Increase a combination of sales and property tax. She noted there was concern whether the money could be specifically designated for facilities and not for other expenses. She said the committee had two more meetings before any decisions would be announced.

Commissioner Lucey asked staff to address the issue Bob Heddy raised during public comment. He said he met with Mr. Heddy in December but would like staff from either the Community Services Department or the Health District to provide him with some options for possible solutions. He stated that constituents approached him regarding the operation of the Washoe County School District constantly and he wanted to explain to citizens that the Board of County Commissioners had no authority over the School District. He commended Commissioner Berkbigler and Chair Jung for their help in the resolution of the lawsuit with the City of Reno.

Commissioner Herman suggested three people who she would like to see give presentations to the Board: Gary Duarte from Yucca Mountain, Dr. Tony Slonim from Renown and John Potash from Get Rattled, LLC.

Commissioner Hartung wanted to inform Will Brown, who spoke during public comment, that Nevada Revised Statute 116 governed Home Owners Associations (HOAs). He stated there were contractual agreements between HOAs and the home buyers, so the County had no authority over them. He asked for an update about Single Stream Recycling in the County. He stated Reno and Sparks had implemented it and he thought it was important that the County implement it also.

Chair Jung stated she wanted staff to work with the Galena High School Band and Mr. Cowen on their fundraiser. She thought the County television or web channel could run public service announcements and solicit some funds for them. She wanted staff to work to get the school some donation items for silent auctions and fundraisers. She asked staff to reach out to Sam Gettle, who spoke during public comment, regarding his issues with the United Parcel Service (UPS) driver near his property and Veterans Elementary School. She stated she went to a press conference for Basin and Range Organics, the only group in Nevada that was able to certify food as organic. She said they should be proud of the group for receiving the federal designation. She stated she attended a community meeting to discuss neighborhood safety. She indicated she was going on a tour of the District Court with staff and some judges to explore safety, repair needs, and a possible new building. She mentioned she, along with

Commissioner Berkbigler and staff, would be meeting with Senator Reid's staff to talk about federal lands and the Federal Lands Bill.

Commissioner Lucey asked for an update from staff regarding the status of the software services to establish one unified system to follow cases in the District Court. He asked for a report on funding, budgeting and possible challenges related to medical marijuana. He referred back to a presentation that Social Services gave in regards to the finances for medical marijuana and said he wanted to ensure the County was prepared to provide the necessary services.

CONSENT ITEMS 5A through 5E2

- 16-0107** **5A** Acknowledge Receipt of Status Report of Commissary Fund submitted by the Washoe County Sheriff's Office Commissary Committee for Second Quarter for fiscal year 15/16. Sheriff. (All Commission Districts.)
- 16-0108** **5C1** Approve a Water Rights Deed between Washoe County and the Truckee Meadows Water Authority (TMWA) transferring 43.97 acre feet of permitted Truckee River water rights to TMWA in support of the Golden Valley Artificial Recharge Program. (Commission District 5.)
- 16-0109** **5C2** Approve a Water Rights Deed transferring 66.20 acre-feet of Thomas Creek water rights from Washoe County to South Reno Land Investors, LLC, A Nevada Limited Liability Company. (Commission District 2.)
- 16-0110** **5C3** Approve a First Amendment to Lease Agreement between Washoe County and MMK Properties for continued occupancy of office and warehouse space for the Health District Vector Program located at 405 Western Road, Reno, Nevada, for a 36 month term, effective May 1, 2016 through April 30, 2019 [\$42,874.80 annually]. (Commission District 5.)
- 16-0111** **5D1** Acknowledge receipt of the Washoe County Comprehensive Annual Financial Report (CAFR), auditor's report, and report on internal control for the fiscal year ended June 30, 2015 as presented; approve the re-appropriation of [\$25,329,224] for the fiscal year 2016 budget, consisting of [\$8,440,569] for purchase order encumbrances committed in fiscal year 2015 and [\$16,888,655] for spending of restricted contributions and fees; and, authorize the Comptroller to proceed with distribution of the CAFR for public record, as required by law. (All Commission Districts)
- 16-0112** **5D2** Approve Award Invitation to Bid (ITB) #2959-16 for Environmental Sample Testing, Data Review and Reporting to Alpha Analytical, Inc., 255 Glendale Avenue, Suite 21, Sparks, NV, the lowest and most responsive, responsible bidder, in an [estimated annual amount of \$150,000]; and authorize the Purchasing and Contracts Manager to execute an agreement with Alpha Analytical, Inc., for a one (1) year

period, with two (2), one (1) year renewal options, at the discretion of the County. (All Commission Districts.)

16-0113 5E1 Approve the creation of two (2) new positions in the Office of the County Manager authorized by the Board of County Commissioners pending review by the Job Evaluation Committee (JEC) to include two (2) Office Assistant II's at pay grade EE. The cost of the new positions will be fully offset within the adopted annual County Manager's budget with existing funding at a total [estimated cost of \$0]; and direct the Comptroller to make the necessary budget adjustments. (All Commission Districts.)

16-0114 5E2 Acknowledge Receipt of the Distinguished Budget Presentation Award for Fiscal Year 2015-2016 from the Government Finance Officers Association (GFOA). (All Commission Districts.)

Cathy Hill, Comptroller, provided an update on Agenda Item 5D1 that included the review of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2015, which was placed on file with the Clerk. She highlighted the decrease in the County's debt by \$48 million with \$38 million related to the water fund. Each year the County staff did a remarkable job getting the CAFR out. She recognized members of her staff who worked diligently on the report: Mary Solorzano, Asta Dominguez, Darlene Delany, Joyce Garrett, Tammy Yau, Russell Morgan and Robert Andrews.

Al Rogers, Management Services Director, spoke regarding Agenda Item 5E2 and recognized the team responsible for the award from the Government Finance Officers Association (GFOA). He thanked the team: Valerie Gilmore, Dan North, Lori Cooke, and Mark Mathers.

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Consent Agenda Items 5A through 5E2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5E2 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE (9, 10, 11, 12, 13 and 14).

16-0115 AGENDA ITEM 9 Acknowledge Receipt of Report on Agreed-Upon Procedures for Collection of the AB 104 Gaming Tax from Grant Thornton LLP and direct staff as appropriate. Manager. (All Commission Districts.)

Commissioner Lucey asked staff to bring back options to the Board regarding the collection of gaming tax and redistribution.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 9 be acknowledged and directed.

16-0116 **AGENDA ITEM 10** Adoption of Washoe County Multi-Hazard Mitigation Plan and if adopted authorize the Chairman to execute a Resolution to promulgate the plan. Manager. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 10 be adopted and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

16-0117 **AGENDA ITEM 11** Discussion and possible action to appoint a County Commissioner as liaison to the Washoe County Library Board of Trustees with no term and to appoint a Commissioner to the vacant seat on the Washoe Storey Conservation District for a two year term. Manager. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 11 be approved.

16-0118 **AGENDA ITEM 12** Recommendation to approve and execute an ordinance amending and restating certain provisions of Ordinance No. 1570 relating to the issuance of the "Washoe County, Nevada, Sales Tax Revenue Refunding Bonds, Series 2016A," for the purpose of refinancing certain outstanding obligations; and providing other matters related thereto, and adopting it as if an emergency now exists. The total principal amount of bonds is [estimated to be \$13,850,000.]. Manager. (All Commission Districts)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Nancy Parent, County Clerk, read the title for Ordinance No. 1573, Bill No. 1758.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 12 be approved, executed and adopted.

16-0119 **AGENDA ITEM 13** Recommendation to approve and execute an ordinance amending and restating certain provisions of Ordinance No. 1571 relating to the issuance of the "Washoe County, Nevada, General Obligation (Limited Tax) Public Safety Refunding Bonds (Additionally Secured By Pledged Revenues), Series 2016B," for the purpose of refinancing certain outstanding obligations; and providing other matters related thereto; and adopting it as if an emergency now exists. The total principal amount of bonds is [estimated to be \$10,420,000.]. Manager. (All Commission Districts)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Ordinance No. 1574, Bill No. 1759.

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

The Chair closed the hearing.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 13 be approved, executed and adopted.

16-0120 **AGENDA ITEM 14** Recommendation to accept an amendment for [\$1,068,087. in carry forward grant funding] from the Federal Administration for Children and Families [\$133,496. County match] representing unobligated funds from prior year awards for the prevention of long-term foster care effective retroactive to September 30, 2015 through September 29, 2016; if approved, authorize an agreement with Action for Child Protection, Inc. [in the amount of \$210,000.] and an amendment to the Professional Services Agreement with The Children's Cabinet for an [additional \$50,000.] and direct the Comptroller's Office to make the appropriate budget adjustments. Social Services. (All Commission Districts.)

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 14 be accepted, approved, authorized and directed.

16-0121 **AGENDA ITEM 6** Department Presentation – Washoe County Regional Animal Services, highlighting services and operations.

Shyanne Schull, Director of Regional Animal Services, conducted a PowerPoint presentation about Regional Animal Services. She gave a brief history about

how Animal Services became a regional service by stating that in 2002, citizens voted in a tax to establish a Regional Animal Services Department. In addition, they voted for a partnership between the Regional Animal Services and the Nevada Humane Society, which created a Regional Animal Center. She noted the unique model allowed Regional Animal Services and the Nevada Humane Society to share a 60,000 square foot facility located on Longley lane. She reviewed the presentation highlighting some of the extreme rescues the technical animal team had responded to. She reviewed the requirements for registration and rabies vaccinations for dogs, cats and ferrets over four month of age. She indicated microchipping was free in the County and in 2015 more than 3,000 animals were reunited with their families. She talked about the Regional Animal Services trailer, which was purchased with Maddie's Fund grant money to serve as a mobile microchip and vaccination resource. She stated they were working on spay and neuter programs that targeted seniors and their pets. She showed a video, which was available on the Animal Services website at www.washoanimals.com.

Commissioner Lucey stated the relationship between Washoe County Regional Animal Services and the community was fabulous. He said the officers had done a phenomenal job.

Commissioner Berkbigler thanked Ms. Schull for the her work and added that she was a great addition to the Animal Services Department.

Commissioner Hartung concurred with Commissioner Berkbigler. He stated at a Citizens Advisory Board meeting in Wadsworth they talked about how pleased they were that issues in the area were being resolved. He asked what cost savings resulted from the 3,000 microchipped animals being reunited with their families. Ms. Schull replied there were many variables, but the average savings was \$100 per day for each dog that was not detained.

Chair Jung stated Ms. Schull and Bobby Smith, Animal Services Manager, had professionalized Animal Services. She concurred Ms. Schull was a great addition to the Department.

There was no public comment or action taken on this item.

16-0122 AGENDA ITEM 7 Department Presentation – Washoe County Technology Services, highlighting services and operations.

Craig Betts, Chief Information Officer, conducted a PowerPoint presentation about Technology Services. He reviewed the Technology Services (TS) mission and the organizational structure. He showed a YouTube video about the TS Department, which included how 911 dispatch staff could locate a caller on a map. He indicated there were six TS locations. He reviewed key success indicators, which included performance metrics and feedback surveys. He spoke about the goals and how the TS Department served the citizens of the County. He added that public safety radio, updating technology infrastructure, extending physical security capabilities and

protecting data for long term retention were some of the ways they served the citizens. He noted that the current radio system which was used for public safety radio was reaching obsolescence and would be discontinued by the manufacturer in 2017. He stated a project was underway with NV Energy and the Nevada Department of Transportation (NDOT) to replace the system with Project 25 (P25), which was the new standard in the radio industry. He explained the staff succession plan and the plan for the anticipated loss of intellectual capital. He spoke regarding security, firewalls, monitoring, and the importance of TS security to the County. He stated there were 38 firewall locations within the County and they blocked over 50 million access attempts per month. He reviewed the document storage processes highlighting that Write Once Read Many (WORM) drive technology was being considered as a permanent storage option instead of microfiche.

Commissioner Lucey questioned the plans that were in place regarding the public safety radio system and the process for replacement of the system.

Mr. Betts replied that the manufacturer would no longer support the system, which meant they would not build replacement parts for the equipment or offer technical support. He stated the TS Department had been building an inventory of parts to extend the life of the systems functionality. He said there was probably 3 to 7 years of life left in the equipment before it would have to be replaced. He did not know the cost of the new equipment but he had an estimate. He mentioned there were continual conversations with the County Manager's Office regarding this issue.

There was no public comment or action taken on this item.

16-0123

AGENDA ITEM 15 Recommendation and possible action to direct staff on the creation of a Medical Marijuana Establishment (MME) Business License Fee Model and to initiate the process to adopt the approved model by ordinance and to adopt a Business Impact Statement pursuant to NRS 237.030 to NRS 237.150. Further possible action to direct staff on initiating future code changes in the following areas regarding MME regulation: disallowing use of recreational marijuana; disallowing any recreational cross over with medical marijuana facilities; imposing more restrictive distance requirements for MMEs for areas in which minors are present; imposing increased security requirements for medical marijuana facilities; making changes to zoning requirements for future medical marijuana facilities to restrict their operation in certain types of commercial zones; requiring additional impact studies to gauge anticipated effects of MME operations on the surrounding community; and requiring any additional conditions to medical marijuana facilities required within business licensure. As directed staff will initiate the code and bring forward within the required approval process. Manager. (All Commission Districts.)

Kevin Schiller, Assistant County Manager, discussed the staff report, which was provided to the Board. He reviewed the summary and the background highlighting the current regulations. He discussed Section 3 of Senate Bill 276 that eliminated the distance restriction for the relocation of an existing medical marijuana establishment (MME). The prior relocation restriction stated a MME could only relocate within five miles of an original location. He discussed Section 29 of the Assembly Bill 70, which covered the recovery of costs and fees related to MME inspections and other related tasks to ensure MMEs were in compliance. He explained the Medical Marijuana Establishment Business License Fee Model which depicted current and proposed license fees. He spoke regarding mirroring the model towards the liquor license process. He stated if it was noticed that there was a dramatic difference between fees incurred and fees recovered, it could be brought back to the Board for review and direction. He reviewed the section regarding recreational marijuana and stated there were three potential options for action prior to pending State passage. The first option was to take no action and await the passage; the second option was the Board could adopt a resolution stating the intent to disallow recreational marijuana use; and the third option was to initiate changes to the Washoe County Code disallowing recreational marijuana sales through existing medical marijuana dispensaries. He discussed that a more restrictive code could be adopted regarding minimum distance requirements from specific facilities in the unincorporated County including, but not limited to, schools, bus stops and community centers. He stated the recommended distance would be a one square mile radius. He spoke regarding the zoning requirements pursuant to Washoe County Development Code, Chapter 110, and explained the Board desired a more restrictive zoning requirement. To ensure the Board had relevant information related to zoning in the unincorporated County, he provided specific zoning information. In the neighborhood commercial zone, there were 217 parcels with 59 vacant; in the general commercial zone, there were 634 parcels with 132 vacant, and in the industrial zone, there were 212 parcels with 110 vacant. He reviewed the security requirements, which suggested the possibility of increased law enforcement specific to MMEs. He discussed the impact studies additional conditions, which included traffic impact studies to gauge the anticipated effects due to MME operations. He reviewed the potential fiscal impacts associated with MMEs stating additional positions within the Sheriff's Office could be necessary in areas with an MME operation. He stated the Board would need to give direction to staff with their recommendations for this item.

Commissioner Hartung asked what the Regional Road Impact Fee (RRIF) number was for MMEs because it was different from a bar, a pharmacy, and a fast food establishment. Bob Webb, Community Services Department, replied that his understanding was the RRIF would be assessed and engineering staff was looking at like uses because there was not a record for any MMEs. Mr. Webb said that for dispensaries they had been using medical offices and pharmacies as an equitable use that could be associated with the RRIF. He said for cultivation and production, they were considering a light manufacturing use. He stated the engineering staff would provide more information when it was available.

Chair Jung said she would caution the Board because they were a test market for marijuana, for both medical and recreational use. She said they could not anticipate what would happen because there was not a perfect model. She stated she was comfortable allowing the restrictions to be flexible. She expected there would be periodic reports from staff and issues would be brought back to the Board when there was a need for direction.

Commissioner Berkbigler said if the ballot question regarding recreational use passed, there would be a significant difference between recreational facilities and MMEs as far as traffic was concerned.

Chair Jung urged the Board to tread lightly until there was more information on what the ballot stated. She said that was the best test and then they could drill down precinct by precinct to determine who was in support and who was not. She stated the number of people speaking at the Board of County Commissioners meeting was insignificant and should not determine how a decision was formed about the issue.

Commissioner Hartung asked for more information from other states where it was already legal.

On the call for public comment, Clint Cates spoke regarding a huge problem with children's education in the County. He was concerned about the low graduation rate and the last place ranking in standardized testing for grades K-12. He said the State lacked the funds to provide children with the necessary tools to better their education. He mentioned that 75 percent of the tax revenue collected from Nevada's medical marijuana program was earmarked for the State's education fund, yet this year the fund would be less than a million dollars. He thought the tax revenue collected from adult use marijuana could help fund education and help solve the education problems within the State.

Will Adler thought Senate Bill 276 was tailor made and designed for Washoe County. He was opposed to stricter zoning requirements because MMEs had invested a large amount of money and time to select a location which suited them. He thought there would be a lack of decent locations for future MMEs if restrictions were placed for specific zones. He said regarding recreational marijuana, there was a ballot initiative going but until it was presented, there was no way to know what it would include. He thought security at the existing MMEs was extremely effective and it was ridiculous to require stricter security. In fact he thought the Board should visit a dispensary to experience the level of security. He stated that before a client could enter the waiting room they had to present a medical marijuana card and identification. He continued that after a client's credentials were approved they could enter the storage room where they were prohibited from touching any products. He said any high school student could enter a gas station market with a fully stocked liquor section. He thought it was too easy for a student to get alcohol, which was illegal. He did not agree that MMEs or adult use marijuana would increase drug use in the area because the security was very strict.

Ed Alexander stated the worst thing the County could do would be to pass restrictive regulatory language prior to exploring what this new industry was going to consist of. He said any decision made would be based on pure speculation. He did not agree with making zoning requirements stricter, because it meant the people who were in need would need to travel to less desirable areas to obtain their medication. He thought the Board should give the industry a little time to understand how it would operate.

Kiera Sears spoke about patient dignity. She indicated the State was in support of the use of medical marijuana for palliative care patients. She continued by stating that Nevada had approved eight qualifying conditions that were found to be relieved by the use of marijuana including Post Traumatic Stress Disorder (PTSD). She mentioned that 50 percent of veterans with PTSD did not report the condition and did not seek treatment for fear of being ostracized or labeled. She stated the veterans who had reported their conditions were prescribed multiple painkillers which they called the combat cocktail. She explained more people died each year from overdoses of prescription painkillers than from heroin and cocaine combined. She stated her son's father overdosed on methadone, which was a synthetic opiate that was created to treat opiate addictions such as heroin and OxyContin. She said studies had shown that introducing marijuana into a methadone treatment program actually stopped the withdrawals and cravings for opiates. She indicated the chemicals in marijuana signaled the brain that it no longer need the opiate. She stated stricter zoning requirements gave the impression that the medical marijuana patients should be ashamed about obtaining their medication by requiring them to go further to get it. She said by doing this it was demonstrating to Veterans that they should continue to hide behind their social anxiety for fear of being labeled and it taught children they should be afraid of this plant.

Joey Gilbert stated Nevada Revised Statute (NRS) 453A was passed to allow for the palliative use of marijuana for medicinal purposes. He said the County then passed an ordinance to regulate MMEs within the County, which included land use and zoning. He indicated the recreational use of marijuana was not legal in Nevada law as of yet, but a petition regarding this topic was brought before the Nevada Legislature during last session and Legislators chose not to address it. He thought trying to be proactive in matters of zoning was premature. He thought the County was addressing an issue that was not yet before them and should first let the citizens to speak to its viability. He said the Board should allow citizens the right to vote on the issue. He stated support for adult marijuana use increased every year and premature action by this Board could put Washoe County on the wrong side of their constituents. He said a restrictive action would cost jobs and tax revenue. If the vote passed, people would be able to purchase, possess and consume marijuana legally, but they would have to drive a mile further to pay for it and give the taxes to the City of Reno or Sparks instead of keeping the jobs and tax revenue in Washoe County. He closed by stating it would be hard to sell the citizens on increased property taxes when the County was sending jobs and tax revenue elsewhere.

Susan Morrison stated she did not stand to profit from marijuana but she thought many people would profit from medical marijuana and eventually from recreational marijuana. She stated she was representing constituents who could not be present. She stated the Board had the opportunity to rectify past wrongs and to protect the communities, families and schoolchildren in the County. She was concerned about where Nevada ranked in education. She gave an overview of statistics in the state of Colorado and a drug trafficking report from September of 2015. She stated when retail marijuana businesses began operating in 2014 there was a 32 percent increase in marijuana related traffic deaths. Positive marijuana results for driving under the influence increased by 45 percent. She said related to school aged children, drug related suspensions and expulsions increased 40 percent. She indicated there was a 20 percent increase in the percentage of 12 to 17 year olds who were arrested and tested positive for marijuana. She provided documents, which were placed file with the Clerk.

Kimberly Gomez spoke of her personal experience growing up with three brothers who used marijuana. She stated they started out using one or two joints a day then it continued and led to the use of harder drugs. She thought marijuana was a gateway drug. She stated the drugs led one brother to commit murder and another brother to overdose on heroin. She said bringing recreational marijuana to the County would increase revenue but she thought it would not flow down to the community as people believed.

Shane Johnson stated his background was in medicine and he had acquired a degree in Neuro Science as well as a medical degree from Stanford. He spoke of the benefits of medical marijuana for patients. He stated the drug was not perfect, it would not help everyone, and he could not say it was not addictive. He said he could say that it was less addictive than many things that were acceptable in society such as a morning cup of coffee or an evening glass of wine. He indicated there was a 24.8 percent reduction in opioid deaths in states with legalized medical marijuana. He said if there was a gateway drug, it would be ethanol, not marijuana. He stated this industry helped in the community because his dispensary had 40 employees who were making better than minimum wage with the starting pay between \$12 and \$15 per hour. He thought medical marijuana patients should not be required to pay taxes on their medication since there was no tax on prescriptions from a pharmacy.

Karen Riley stated her first dispensary was due to open and she wanted to share her personal experience about how difficult it was to get the license. She indicated the security on a 2,000 square foot facility cost \$50,000. She mentioned her family had spent millions of dollars to get the facility ready to open and it had been a process of more than two years. She stated they employed 19 people who were previously unemployed and they made more than minimum wage. She said the people in the community thanked them for the beautiful building and the increased security it brought. The patients were happy to have a safe place to get their medication instead of a back alley where they would not know if the product was safe. She said one of the Board members stopped by and viewed the facility. She indicated she and her family had been

vetted both morally and financially in order to open the facility. She urged the Board to consider what they provided to their patients and to take time changing regulations.

Kristin Ehasz stated she worked in Colorado and Oregon prior to moving to Reno. She said that since the first adult use cannabis stores opened on January 1, 2014, the state of Colorado had benefited from decreased crime rates, decreased traffic fatalities, increased tax revenue, an economic output from retail cannabis stores and an increase in jobs. She indicated according to data from the Colorado court system, cannabis possession arrests had dropped from 84 percent since 2010 and violent crime and property crime rates decreased in 2014. She said Colorado was the fastest growing economy in the United States and the unemployment rate was at a six year low. In addition, she stated suicide rates and accidental overdoses from doctor prescribed medications had decreased more than 25 percent. She urged the Board to consider the data before placing restrictions.

CeCe Stanton spoke on behalf of medical marijuana patients. She stated she was subject to a back injury and was given opioids at the hospital and more pain prescriptions thereafter. She indicated her doctors had no issue with her continually taking painkillers but the pain continued regardless of the medications. She said after she was educated about medical marijuana, she became a medical marijuana patient. She stated she was able to eliminate the opioids and it allowed her to regain her life again.

Eva Losey Grossman stated she was a medical marijuana patient and she owed her life to it. She indicated she was a cancer survivor who was in constant pain and unable to leave her bed for a very long time. She thought people made assumptions about what a dispensary was and who the patients were. She stated about 80 percent of patients were trying to get off the opiate medications they were addicted to. She said the heroin epidemic was huge in this country, and Nevada was the leader in prescription overdose deaths. She stated Sierra Wellness Connection was the first dispensary to do a Google virtual tour and she encouraged the Board to experience what their dispensary was like.

Commissioner Berkbigler said she wanted to make a statement before a motion was made. She stated she appreciated everyone who came to speak, she agreed that medical marijuana was a benefit, and she was not opposed to that. She said what she was opposed to was recreational marijuana. She wanted changes to be made concerning recreational marijuana although she knew the ballot question had not passed yet. She thought the best approach for the County was to put restrictions in place before the vote. She said the restriction might need to be changed later, but it would protect the interest of the citizens until then. She wanted changes to residential commercial zoning requirements to prohibit any new MMEs. She also wanted recreational marijuana sales to be prohibited from any MME without a full public hearing. She stated she was in favor of impact studies for any additional facilities whether it be a medical or recreational facility.

Commissioner Herman echoed the remarks from Commissioner Berkbigler. She said she was not against medical marijuana for those who needed it, but her biggest worry was it would turn into recreational use.

Commissioner Hartung spoke regarding the parcel information that Mr. Schiller discussed and he stated it could not be assumed that new building or vacancies would occur. He thought the process of requiring a special use permit would be a good direction as long as businesses came before the Board of County Commissioners for approval and not the Board of Adjustment. He thought alcohol was more prevalent than marijuana.

Commissioner Lucey stated there were two different issues, medical marijuana and adult recreational use. He said medical marijuana had been accepted by the voters and the citizens within the community. He thought the County had done an effective job in regards to issuing licenses and dealing with the issues from the last Legislative session. However, he thought the County would be the regional service provider for a number of services provided by Social Services, the Sheriff's office, the District Attorney's Office and the Courts. He said in regards to adult recreational use, if restrictions were in place before the ballot question, then some of the potential fiscal benefits might not be realized if the County opted out. He said there would still be recreational usage, however the County would be providing the services without being compensated for their efforts. He thought it would be rash to make decisions without knowing what the voters wanted. He stated there should be an evaluation of what the other states were doing regarding adult recreational use. He said based on the little knowledge the County had about this, they needed to take their time making decisions.

Chair Jung stated she agreed that there should be no new businesses in neighborhood commercial zone until the impacts were identified, if there were any. She said the existing MMEs would be grandfathered in. She agreed that some areas would be more appropriate for recreational use than others. She thought it made good sense to issue a permit, but not a special use permit, it would need to be specific for marijuana. She said the Board would be the governing body to approve or disapprove full recreational use if that was what the voters wanted to do. She did not think there was an issue with security. She thought the Sheriff's Office could monitor areas that were in need of more security and it could be handled on an individual basis instead placing stricter security requirements on all MMEs.

Commissioner Hartung wanted to clarify that part of the suggested motion was to establish a process for a special use permit requiring a special hearing. He stated he was a little uncomfortable about the neighborhood commercial zones being restricted for new MMEs because there could be some places where it might be appropriate. He stated he had no issue with hearing the items each time they came up to determine if it was appropriate.

Mr. Schiller wanted to clarify the direction being given. He confirmed that they would not use the terminology of a special use permit but would instead consider requiring a variance that would be at the discretion of the responsible Commissioner for the area to approve before it went to the Board. He said that an approval of location for a new MME would be based on location and it would be determined whether the site was considered to be appropriate.

Commissioner Berkbigler stated the direction to staff was as follows: the existing MMEs were grandfathered in as far as location; before any recreational marijuana could be sold in any existing MME, there must be a full hearing before the Board of Commissioners and a variance could be issued rather than ruling out the concept of neighborhood commercial zoning; the Commissioner of the area in question would approve the variance to go forward to the Board for approval; and to move forward with the Business License Fee Model as written. She wanted to be clear that this was direction to staff to draft the various different items that need to be adjusted, because this was a public hearing only to give direction to staff.

Paul Lipparelli, Assistant District Attorney, said that it would be a difficult legally defensible scheme for a particular business to come before the Board for approval of a license unless there they could succeed in describing the unique characteristics about a particular business that would justify it being treated differently than others. He said this was a due process, equal protection type problem. He stated this was the start of the process and they were going to have smart people working on it. He said regarding granting a license, it had to be done in a fair manner and there needed to be criteria that could be read and understood about approvals and denials. He indicated he knew this Board would not discriminate but there needed to be processes for approvals or denials that would hold up against any legal challenges.

Chair Jung thought that was a good point and she said the Board was open to whatever staff came back with. She noted they certainly did not want to discriminate against anyone or show favoritism towards any person or group.

Commissioner Hartung suggested there could be a specialized commission to review businesses for medical marijuana and adult use marijuana licenses. He said that such a commission could vet the issues through the community.

Commissioner Berkbigler stated the ballot question for recreational marijuana indicated first preference would be given to those facilities who had MME licenses. She said the Board needed to have their own position and ensure the protection of citizens.

Chair Jung thought it was not so much about protecting the citizens but more about local control. Commissioner Berkbigler agreed.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 15 be directed and initiated.

PUBLIC HEARING

16-0124 **AGENDA ITEM 16** Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by repealing provisions concerning riding horses while intoxicated, abandoning injured animals, and giving away live animals as part of a promotion; by amending provisions related to keeping animals in sanitary conditions, animal waste disposal, cruelty to animals, animal fighting, pigeon shoots, endangering animals and restraining animals; and by repealing, adding and revising various definitions, and all other matters properly relating thereto. (Bill No. 1757). Animal Services. (All Commission Districts).

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Ordinance No. 1575, Bill No. 1757.

Bobby Smith, Animal Services Manager, indicated there were questions about what a pigeon shoot was and how to regulate pests. He stated the code in question was essentially in regards to trapping pigeons for sport; it was not addressing pest control or rodent control. He stated they would work with legal counsel and bring back a proposal to address the pest control issue.

On the call for public comment, Bill Maggiora spoke about pest control. He hoped the proposed Code would not be adopted until the change was made regarding the language to clarify pest control. He stated it could put people who exterminated pests out of business. He stated he did not agree with the language in Chapter 55.010, which said an animal meant every living creature except members of the human race. He said he had an issue with the definition of animal abandonment. He indicated he had moved snakes off the road to save them, but catching and relocating an animal would be against the Code.

Ardena Perry stated she had a problem with passing a code and then changing it later. She wanted to know what was meant by reasonable vet care and who determined what was reasonable. She said a person could have an animal under palliative care and if Animal Services thought the animal was suffering they could come in and remove the animal. She thought that decision was up to the owner and veterinarian, not Animal Services.

Tim Stoffel did not agree with the language and the definition of reasonable care and animal cruelty. He thought the language should be fixed prior to approving a change.

John Potash had concerns about the vague definitions to the language and thought they needed to clarify the language.

Noah Peitz stated he lived in Reno his entire life. He stated his issue was with Animal Services rewording their bills and submitting the same law with different wording.

Commissioner Lucey wanted to discuss reasonable veterinary care. He stated he had a keen understanding of veterinary care and asked if the proposed Code was based on the American Veterinary Medical Association (AVMA). Mr. Smith, replied yes it was. Commissioner Lucey said the AVMA had put forward rigorous recommendations and standards of care. He said the AVMA worked with the United States Department of Agriculture (USDA) and a number of different agencies to establish the best possible care for animals. He thought this was in the best interest of the animals. He asked if the language regarding pests was something that could be changed later.

Mr. Smith stated the language in the current Code had pigeon shoots listed in it and they were reorganizing the Code to clarify the language. He stated they were breaking them out into smaller subsections from a very large section. He said it was not new language; the language was already in the Code. He stated if a change to this Code was requested, it would be placed in the miscellaneous subsection.

Commissioner Lucey stated it was impossible to amend Chapter 55 in one attempt. He said it would need to be taken one line item at a time, which was how they were handling the changes.

Commissioner Herman said that a board regulated the AVMA and they were under very strict guidelines. She said that Animal Services was putting this Ordinance together. She did not understand if it was the same information but with clarified language and wondered why it was still confusing.

Mr. Smith stated the information was already in the Code but staff was directed to reorganize Chapter 55 so it was easier to read and understand. He said there were no changes being made to the Code; staff was only clarifying the language.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, with Commissioner Herman voting "no", Chair Jung ordered that Ordinance No.1575, Bill No. 1757, be adopted, approved and published in accordance with NRS 244.100

16-0125

AGENDA ITEM 8 Acknowledge update and possible direction to staff on Constituent Services programs including Citizen Advisory Board (CAB) and District Forums for fiscal year 2016; and discussion and direction on possible Gerlach/Empire Citizen Advisory Board. Manager. (All Commission Districts.)

Al Rogers, Management Services Director, gave an update specific to Gerlach and the Community Advisory Boards (CABs). He said the purpose for the update was to give the Board information related to the CABs, district forums and the continual

efforts to reach out to the constituents and citizens of the County. He reviewed the data on page 3 of the staff report, which depicted a breakdown of the frequency of the CAB meetings and the number of meetings held. He discussed the district forums information on page 4 of the report. He said Commissioner Herman requested to establish a CAB in the Gerlach/Empire area. He said the staff report did not address the need for the CAB in Gerlach but he wanted to refer to Commissioner Herman for information about that. He said he heard from constituents who were interested in bringing the CAB back.

Commissioner Lucey thought there should be district forums rather than CABs in Gerlach because the population was so low. He asked Mr. Rogers what the cost difference would be.

Mr. Rogers stated there had not been a statistical analysis of the cost comparison between a CAB and a district forum. He said the average cost for a CAB was \$3,000 with the majority of that coming from existing staff hours, the District Attorney's Office, and other departments. In regards to district forums, he could only say they were less costly but he did not know how much less.

Commissioner Lucey believed that the County had adopted a new style of doing business with the adoption of the district forums. He stated his district had five of them in the past year with 405 participants. He thought realistically there should not be a CAB in Gerlach but instead district forums that would be available to Commissioner Herman and every Commissioner to attend. He said the district forums should be made as effective as possible.

Chair Jung asked Commissioner Herman how many people had approached her about being on and attending a Community Advisory Board in Gerlach. Commissioner Herman replied there were a few people that came down from Gerlach to a Board meeting to request a CAB.

Chair Jung felt it was not an effective use of tax dollars for a community of 100 people. She thought the participation rate would be very low and the County could reach out to them with newsletters, emails and general forums.

Commissioner Herman stated the Gerlach citizens deserved a CAB as much as anyone else did. She said they were not asking for 12 meetings a year but would take what they could get.

Commissioner Berkbigler wanted to point out that when the Board members were running for re-election there could not be a district forum. She said that was a point that needed to be taken into consideration. She suggested allowing them two meetings a year to give them representation in the area. She thought if a Commissioner thought it was important for an area to have a CAB it should be taken seriously.

Commissioner Lucey stated he was not conveying that they did not need a CAB, he said he was trying to convey that his district forums had been directed by staff

and they had been able to address issues more effectively than could be done at CABs. CABs were specifically meant for planning and development issues. He thought citizen outreach was best through district forums.

Commissioner Hartung stated CABs were the first step in the developmental process. He said it used to be a requirement to go to them. He agreed that creating the CAB was essential but should only be for developmental issues. He stated district forums were easier because the open meeting law did not apply.

Chair Jung said she wanted to let them start with two meetings a year and they could have more if they were needed.

Commissioner Hartung if they have development or land use issues they should be able to have more.

Commissioner Lucey asked Mr. Rogers how many district forums were allotted for each District and Mr. Rogers replied each Commission District was allotted four district forums.

Paul Lipparelli stated to create a CAB staff would need to come back to the Board with a resolution.

There was no public comment on this item.

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8 be acknowledged and directed.

16-0126 **AGENDA ITEM 18** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

16-0127 **AGENDA ITEM 19** Commissioners'/Manager's announcements.

There were no comments from the Commissioners.

16-0128 **AGENDA ITEM 17** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

02:05 p.m. On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

COMMUNICATIONS:

16-0129 Professional Services Agreement for the ongoing implementation of the Groundwater Monitoring Plan for the Central Truckee Meadows Remediation District Program between Washoe County and Kleinfelder West, Inc. (Minute Item No. 13-1073 from the Board of County Commissioner’s meeting of December 17, 2013.)

MONTHLY FINANCIAL STATEMENTS:

16-0130 Monthly statement of Washoe County Treasurer for month ending December 31, 2015.

QUARTERLY FINANCIAL STATEMENTS:

16-131 Clerk of the Court Quarterly Financial Statement for quarter ending December, 2015.

16-132 County Clerk’s Quarterly Financial Statement, Quarter FY201516, October 1st though December 31st, 2015.

ANNUAL FINANCIAL STATEMENTS:

16-133 Sun Valley General Improvement District financial statements and supplementary information for the fiscal year ended June 30, 2015.

16-0134 Palomino Valley General Improvement District financial statements for the fiscal year 2014-2015.

* * * * *

Pending Board Approval

2:30 p.m. There being no further business to discuss, the meeting was adjourned without objection after the closed session.

KITTY K. JUNG, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

Minutes Prepared by:
Doni Gassaway, Deputy County Clerk

Pending Board Approval

BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

FEBRUARY 23, 2016

PRESENT:

Kitty Jung, Chair
Marsha Berkbigler, Commissioner
Vaughn Hartung, Commissioner

Nancy Parent, County Clerk
Kevin Schiller, Assistant County Manager
Paul Lipparelli, Legal Counsel

ABSENT:

Bob Lucey, Vice Chair
Jeanne Herman, Commissioner

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

Chair Jung asked for a moment of silence to honor the late Nevada State Senator Debbie Smith, who lost her battle to brain cancer. She said Senator Smith was a true champion for Northern Nevada and public education, and she hoped the Washoe County School District would name the next school after her.

16-0137 AGENDA ITEM 3 Public Comment.

Tom Noblett spoke about providing a bingo game on wheels to raise money for seniors in the Sun Valley area. He asked the Board for monetary resources or assistance.

Dennis Diullo mentioned the Public Defenders' presentation at a prior Board meeting in which the Public Defender noted the type of representation offered by their office and the number of cases that were handled; however, the quality of that representation and the number of successful cases were not acknowledged. He asked the Board to review and question the information provided to them. He spoke about the disadvantaged who were easily preyed upon. He said the Board owed the disadvantaged their concern because without them, they had no advocate.

Cathy Brandhorst spoke about matters of concern to herself.

A-3/22/16 #5

Donald McQuarrie spoke about several incidents involving his neighbor, which led him to report the neighbor to Animal Control and various other agencies. After reporting his neighbor for the violations, he mentioned there were acts of retaliation involving flood lights and the use of a chemical agent which caused the death of his pet lizard. He said he reported the incident to Animal Control who instructed him to contact the police. The police informed him he had to prove the cause of death, which was a burden for him since the cost of a reptile autopsy could run as high as \$1,500. He stated he also reached out to the District Attorney's Office and no one was helping him. He asked the Board for assistance.

Tim Stoffel expressed his concerns with Animal Control and the commercial animal welfare permit. He said he asked Animal Control to clarify the intentions of the proposed Code changes by revising some of the language. He questioned the motive of Animal Control regarding the laws they wanted to implement, the unintended consequences of those laws, and whether the abuse of animals in animal shelters or pet stores was actually occurring. He stated the laws should be sensible and he questioned whether the County needed more laws.

Katherine Snedigar stated the fire department prevented volunteers from learning how to extinguish structural fires and from responding to emergency medical service calls. She spoke about a fire incident regarding a house that caught on fire. Since there was not a fire truck on the scene, neighbors wanted to cut down a tree next to the house to prevent the fire but they were not allowed to by Sheriff deputies. She commented that the Board had a fiduciary responsibility to the County's residents and the Board could not place the residents at risk for the benefit of the career firefighters.

Sam Dehne spoke about implementing a maximum wage law.

Ardena Perry said the animal welfare ordinance was not consistent in regards to which businesses it regulated. She mentioned there were more than 145 unregulated kennels. She spoke about equal protection and felt that laws should apply to everyone.

Dawn Spinola questioned the language in the animal ordinance as it applied to the care of horses and other livestock. She noted the language in various areas referred specifically to dogs and cats. She also noted the animal welfare permit section was not clear as to whether the revocation of a business license in the County would result in the revocation of an animal welfare permit.

Chris Vaught said she appreciated Animal Control working with County residents to address their concerns regarding an Animal Services' ordinance. She said she was against ordinances that did not make sense or that took away from the livelihood of residents. She felt she should be able to come before the Board to voice her concerns without being labeled an activist.

Barry O'Dea, owner of On Command, expressed his concerns about the language in an Animal Services' ordinance. He felt Animal Services was attempting to combine the definitions of "Operator" and "Kennel" as set forth in Nevada Revised Statute 574. He said people owned the animals in his kenneling facility. He thought the reference to kennels should be removed from the ordinance language since he believed the ordinance was directed towards the sale of animals. He mentioned he was planning to open another kennel but the plan was placed on hold until the ordinance in question was resolved.

16-0138 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Hartung concurred with an earlier statement made by Chair Jung about naming a school after the late Nevada State Senator Debbie Smith. He inquired about the status of the cargo container issue and requested a timeline on single-stream recycling. He instructed Bobby Smith, Animal Services Manager, to engage with Donald McQuarrie, who spoke during public comment, to obtain more information concerning the incident which resulted in the death of his pet reptile.

Commissioner Berkbigler requested to have a presentation by the Tahoe Prosperity Center, and a discussion on non-Commissioner boards and committees to be placed on an agenda. She mentioned there were a number of expired positions on the non-Commissioner boards and committees; some of which had individuals still serving in those expired positions. She thanked Chair Jung for her kind words for Senator Smith. She said if there was a way to have the Washoe County School District ballot question named after Senator Smith, it would occur.

Chair Jung inquired whether it was in the jurisdiction of the Sheriff's Office to prohibit a resident from removing a tree to prevent a fire and what the Fire Department would have done in the same situation. She stated she also wanted a list of boards and commissions, and a course of action regarding the appointment of members. She said the Commissioner overseeing a specific board or commission needed to be notified immediately once an appointment opened up since that Commissioner may know someone suitable. She stated she attended the Volunteer Firefighter Recruitment which was attended by many young men and women. She felt it was important to convey to the young volunteers that the County's plan was to give them a career path with the County's fire service or any other fire service.

16-0139 **AGENDA ITEM 5** Approve minutes for the Board of County Commissioner's regular meetings of January 12, 2016 and January 19, 2016; and for the strategic planning meeting of January 19, 2016.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 5 be approved.

16-0140 **AGENDA ITEM 6** Introduction of new Washoe County Employees.

John Slaughter, County Manager, asked the following employees to introduce themselves to the Board:

- Natalie Cardillo, Reno Justice Court
- Briana Johnson, Health District
- Ellen Messinger-Patton, Health District
- Sonya Smith, Health District
- Elizabeth Paulsen, Manager's Office
- Maximilian Wegener, Health District
- Mojra Hauenstein, Community Services Department
- Jason Deadmond, Library
- Jeff Scott, Library
- Erick Willrich, Social Services

There was no public comment or action taken on this item.

16-0141 **AGENDA ITEM 7** Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses.

Kevin Schiller, Assistant County Manager, recognized the following employees for successful completion of the Excellence in Public Service Certificate Programs administered by the Human Resources Department:

Essentials of Personal Effectiveness

Pama Gillam, Social Services

Essentials of Train the Trainer

Charity Rosasco, Sheriff's Office

CONSENT ITEMS 8A THROUGH 8K

16-0142 **8A** Accept cash donations [in the amount of \$1,965] for the period of December 1, 2015 - December 31, 2015 and direct the Comptroller to make the appropriate budget adjustments. Senior Services. (All Commission Districts.)

16-0143 **8B** Accept Monetary Donations to Washoe County Regional Animal Services [totaling \$6,540.00] for the period of October 1, 2015 - December 31, 2015 to be used for the humane care and treatment of sick and/or injured, stray or abandoned animals received; express appreciation for these thoughtful contributions; and direct the Comptroller's Office to make the appropriate budget adjustments. Regional Animal Services. (All Commission Districts.)

- 16-0144** 8C Accept a donation of a Sheriff Memorial statue [estimated value of labor and materials is \$19,000.00] from the following local businesses: Sierra Summit Landscaping, C & E Builders, MC Masonry, MSM Sheet Metal, Advanced Powder Coating, Italia Granite, Stone Creations of Nevada, Nevada Craftsmen Construction, and TRC Homes LLC. Sheriff. (All Commission Districts.)
- 16-0145** 8D1 Recommendation that the Board of County Commissioners recommend to the Nevada State Engineer approving Water Right Application 85348, which proposes to change the point of diversion and place of use of 4 acre-feet of Tahoe-Basin groundwater rights from Douglas County to Washoe County. (Commission District 1.)
- 16-0146** 8D2 Approve a State of Nevada Importer/Wholesaler Liquor License for Scott Blazek, dba Breakthru Beverage Nevada Reno, LLC, and if approved, authorize each Commissioner to sign the Nevada State Liquor License Application with direction for the County Clerk to attest the license application. (Commission District 4.)
- 16-0147** 8E1 Approve grant award from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Nutrition Services Incentive Program [\$44,041 no match required] retroactive from October 1, 2015 through September 30, 2016; and direct Comptroller to make the appropriate budget adjustments. (All Commission Districts.)
- 16-0148** 8E2 Approve The Emergency Food Assistance Program grant award from the Nevada Department of Agriculture [in the amount of \$10,320 (no match)], grant period retroactive from October 1, 2015 through September 30, 2016 and if accepted, authorize Chairman to execute grant documents; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)
- 16-0149** 8F1 Approve recommendation for Commission District Special Fund grants for Fiscal Year 2015-2016 for Commission District 1 [total amount of \$20,000] to include Tahoe Prosperity Center [\$10,000] in support of regional economic initiatives and Friends of the Library [\$10,000] to support Glen Duncan Library; approve Resolutions necessary for same. (Commission District 1.)
- 16-0150** 8F2 Approve action to rescind the November 2006 Memorandum of Understanding (MOU) between the Justices of the Peace and the Washoe County Board of County Commissioners which recognizes the National Center for State Courts (NCSC) judicial compensation study every even-numbered years for the purpose of recommending appropriate salary

adjustments for the Justices of the Peace. Request the Board of County Commissioners align the Justices of the Peace salary schedule increases with the elected officials listed in NRS 245.043 and further provide the Justices of the Peace 3% salary increases pursuant to Senate Bill 482 (2015 Legislature) for fiscal years 2015-16 (retroactive), 2016-2017, 2017-2018 and 2018-2019. [Fiscal impact estimated retroactive to July 1, 2015 is approximately \$34,839.81. Overall fiscal impact for all Justices of the Peace for the four fiscal years is approximately \$223,100.43.] (All Commission Districts.)

- 16-0151** **8F3** Approve recommendations for Commission District Special Fund grants for Fiscal Year 2015-2016 for Commission District 4 in the [total amount of \$4,000]; District 4 Commissioner Vaughn Hartung recommends a [\$1,000] grant to Washoe County Senior Center to support and enhance the programs and activities offered at the Senior Center in Sparks; a [\$1,500] grant to the Washoe County Library – Sparks Branch to support and enhance the programs and activities offered at the Sparks Library; a [\$1,500] grant to the Washoe County Library – Spanish Springs Branch to support and enhance the programs and activities offered at the Spanish Spring Library; approve Resolutions necessary for same; and direct the Comptroller’s Office to make the necessary budget appropriation transfers. (Commission Districts 3 and 4.)
- 16-0152** **8G** Approve a request for reclassification of a Chief Records Clerk, pay grade I, to an Administrative Supervisor - Criminal, pay grade K (Sheriff’s Office) as evaluated by the Job Evaluation Committee. [Net annual cost is estimated at \$9,666.] Human Resources. (All Commission Districts.)
- 16-0153** **8H** Approve roll change request, pursuant to NRS 361.765 and/or NRS 361.768, for an error discovered for the 2014/2015 secured tax roll and authorize Chairman to execute the change described in Exhibit A and direct the Washoe County Treasurer to correct the error. [Cumulative amount of decrease \$1,296.08]. Assessor. (Commission District 5.)
- 16-0154** **8I** Approve payments [totaling \$15,357] to vendors for assistance of 77 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of [up to \$1,000] for victims, victim’s spouses and other eligible persons. District Attorney. (All Commission Districts.)
- 16-0155** **8J** Approve Sheriff’s Security Agreement between the Hyatt Regency – Lake Tahoe and the Washoe County Sheriff’s Office to provide uniformed Deputy Sheriffs for security [costs to be reimbursed by HYATT] during New Year’s Eve events, retroactively from December 31, 2015 through

January 1, 2019 to be held at the Hyatt Regency – Lake Tahoe in Incline Village, Washoe County. Sheriff. (Commission District 1.)

- 16-0156** 8K Acknowledge Receipt of the Report of Sale- January 21, 2016 Delinquent Special Assessment Sale [Sale Proceeds \$0.00]. Treasurer. (Commission Districts 5.)

On the call for public comment, Jeff Scott, Library Director, thanked the Board for their support of the Library.

Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Consent Agenda Items 8A through 8K be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 8A through 8K are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – AGENDA ITEMS 10 AND 11

- 16-0157** AGENDA ITEM 10 Recommendation to award Invitation to Bid #2955-16 for Mosquito Abatement Products, for the Environmental Health Division of the Washoe County Health District, on a multiple award basis, to the lowest, responsive, responsible bidders (Adapco Inc. - bid items 1, 2, 3, 5, 7, 10, 13, 14, 15, 17, & 18), (Clarke Mosquito Control Products – bid items 8, 9, & 16), (Univar USA Inc. – bid items 6, and 11), (Valent Bioscience – bid item 12). Three (3) bidders bid identical prices and delivery for bid items 1, 2, 7, & 17. Adapco Inc. was determined to be the lowest responsive, responsible bidder for these bid items by a public lot drawing held in the Purchasing Office. This award recommendation is made on a requirements basis with [an estimated annual value of \$231,500]. The term of the award shall be from the date of bid approval through December 31, 2017, with the County retaining the option for a one (1) year extension. Comptroller. (All Commission Districts.)

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 10 be awarded.

- 16-0158** AGENDA ITEM 11 Recommendation to Award Invitation to Bid #2964-16 for UNTESTED SEXUAL ASSAULT KIT ANALYSIS on behalf of the Washoe County Sheriff's Department, Forensic Science Division to the lowest, responsive and responsible bidder, Sorenson Forensics, LLC, 2511 S West Temple, Salt Lake City, UT for [a cost of \$675] per kit (Y-screening method) for approximately 800 to 1500 kits, subject to available funding. The [estimated value of this award is between \$540,000 up to \$1,012,500.00(no county general funds utilized and no county match

required)]. The Award will be for two (2) years with the County retaining the option for a one (1) year extension. Comptroller. (All Commission Districts.)

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 11 be awarded.

16-0159 **AGENDA ITEM 9** Department Presentation – Washoe County Department of Alternative Sentencing, highlighting services and operations.

Joseph Ingraham, Alternative Sentencing Chief, gave a PowerPoint presentation, which was placed on file with the Clerk. The presentation covered the following information: Mission Statement, Overview of the Department, Services Provided, Objectives, Meet our Team, Crossroads, Statistics, Drug and Alcohol Tests, Contacts with Probationers, Electronic Monitoring versus Jail, Probationer Criminal History, Recidivism, Probationers to Staff, Personal Success Story, Another Personal Success Story, Community, Probationer Home Locations, Strategic Plan, and Emerging Issues and Concerns. The Personal Success Story slide contained an embedded video, which was placed on file with the Clerk. He stated he loved what he did and was fortunate to work with a number of command staff who subsequently retired from the Sheriff's Department.

Commissioner Berkbigler said she was impressed with the Crossroads program. She added she had a family friend whose daughter was in the program.

Commissioner Hartung echoed Commissioner Berkbigler's sentiments about Crossroads. He said every person that was kept out of jail saved the County money.

Chief Ingraham stated Crossroads was a phenomenal program that his department was fortunate to be a part of. He acknowledged the dedication of Social Services, Assistant County Manager Kevin Schiller and the deputies at Crossroads.

Chair Jung asked Chief Ingraham if Nevada was one of the 30 States listed in the United States Department of Justice report that was mentioned in his presentation. She also asked why the report did not cover all 50 States, and how the Department of Justice and the other states defined recidivism. She requested the study and its source.

Chief Ingraham responded that he would obtain the information for her.

There was no public comment or action taken on this item.

11:22 a.m. The Board took a brief recess.

11:30 a.m. The Board reconvened with Commissioners Herman and Lucey absent.

16-0160

AGENDA ITEM 12 Introduction and first reading of an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit); by adding related definitions; and by making changes to the definition of "County" and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the ordinance on March 8, 2016. Animal Services. (All Commission Districts)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Bill No. 1760

Commissioner Berkbigler stated it was clear the ordinance applied to any pet store, kennel or boarding facility used in the business of buying, selling or boarding animals. She sought clarification as to whether the ordinance applied to breeders. She asked if the structure for the cost of the animal welfare permit had been established. She also asked whether Animal Services had received any complaints from people who thought if the ordinance was passed it could close down their business.

Bobby Smith, Animal Services Manager, replied that the County had a commercial breeding code that addressed breeding and the animal welfare permit fees had not been established. He added the business impact statement indicated the fee would be a maximum of a \$100, which had not been set. He noted a pet store had come forth with concerns and the ordinance would not place it out of business.

Commissioner Hartung asked whether the \$100 was a one-time fee, and why the ordinance omitted the mention of a County business license when it addressed business licenses in the cities of Reno and Sparks, and how the County would deal with livestock.

Mr. Smith said the business impact statement noted the proposed animal welfare permit fee was \$100 per year; however, it could be less. In regards to the County business license, he indicated the practice was already in place at the County. Any time there was something that had to do with animals, it would come before Animal Services for approval. As far as how the County would deal with livestock, he stated there was a section within the ordinance that dealt with commercial animal establishments. The verbiage indicated a commercial animal establishment which housed and cared for its animals would do so in accordance to the American Veterinary Medical Association's Animal Welfare Principles and related policies, which covered the basic guidelines for the care of an animal.

Commissioner Hartung mentioned a statement was made during public comment that indicated there were 145 unregulated kennels the County failed to address.

Mr. Smith stated he would be interested in having that information.

On the call for public comment, Ardena Perry spoke about her concerns regarding independent transporters who brought unregulated animals into the State, selective enforcement, and animal holding times.

Katherine Snedigar expressed her concerns about Animal Control's authority to regulate the way she boarded horses on her property.

Barry O'Dea, owner of On Command, stated there were regulations within the ordinance that did not apply to his business. He said he understood that veterinarians were under the auspices of a Nevada Revised Statute (NRS); however, he did not believe the people who wrote the Statute expected veterinarians to provide daycare or boarding services. He thought the Board should regulate every business providing the same service equally if it were to pass the ordinance.

Tim Stoffel noted the ordinance was ambiguously worded. The word "facility" could be applied broadly, which was a concern of his. He did not believe a legitimate problem had been identified that the ordinance would address.

Bill Maggiora stated the ordinance should apply to shelters, as well as, businesses if the intention was for public safety or animal welfare. He thought there should be equal treatment.

Michael Schneider, owner of Puppies Plus, believed the animal welfare permit was too aggressive and that it was unjust to commercial business establishments. He said there was no reason Animal Services should have the authority to close down businesses. He questioned the use of the word "any" in regards to non-compliance and violations addressed in the ordinance. He noted his business was governed by NRS, which was enough. He also expressed his concerns over the lack of language regarding the restoration of the animal welfare permit in the ordinance.

Commissioner Berkbigler stated she did not believe it was the intent of the ordinance or Animal Services to place someone out of business. In order to address the public's concerns regarding the interstate transportation of animals for sale and the exemption of animal rescues; such as, the Nevada Humane Society and the Society for the Prevention of Cruelty to Animals of Nevada, she asked why the ordinance did not apply to those entities.

Mr. Smith explained that an animal shelter was regulated under NRS 574, and the transportation of animals for sale fell under the laws regarding Interstate Commerce.

Commissioner Hartung asked for clarification regarding a concern about the regulation of private equine owners. He questioned whether there needed to be

language in the ordinance about the restoration of an animal welfare permit and why the County could not regulate veterinarians who boarded dogs.

Mr. Smith said the ordinance did not apply to private animals. The ordinance regulated businesses; such as, commercial stables. Regarding the restoration of an animal welfare permit, he stated it would be done through the judicial system. He added a business' permit could be revoked after multiple violations; however, it did not mean the business would be closed down. The only way the business could be closed down was if Business Licensing went through the process to revoke the business license. Animal Services did not have the authority to close a business. If Animal Services cited a business for a criminal matter regarding animal welfare, the issue would go before the Court. In reference to veterinarians, he mentioned during the last legislative session, a Code was enacted into the Nevada Administrative Code for the Nevada State Board of Veterinary Medical Examiners which provided guidelines and regulations on veterinarians who held animals for boarding.

Paul Lipparelli, Legal Counsel, stated the enforcement mechanisms for the commercial animal establishment ordinance did not include the ability to revoke a person's business license and shut down the business. The licensing of businesses was the responsibility of the local government. It was up to the individual jurisdictions to have an ordinance which stated if a business were to lose their animal welfare permit, then their business license may be in jeopardy. He mentioned when the County and the cities of Reno and Sparks decided to regionalize animal services, the County emphasized that regionalization did not mean the cities would lose their business licensing powers. He added there was a lot of overlap between the powers of various agencies when it came to the enforcement of laws against the cruelty of animals. Additionally, there were felony crimes that could result from the cruelty to animals, which were investigated by law enforcement and prosecuted by the District Attorney's Office. The ordinance being discussed was aimed at defining the standards for businesses related to animals and to provide Animal Services the ability to investigate complaints about the conditions at various animal businesses.

Bill No. 1760 was introduced by Commissioner Berkgigler, and legal notice for final action of adoption was directed.

16-0161 **AGENDA ITEM 13** Introduction and first reading of an ordinance providing for the full consideration of protests of the consolidation of the Truckee Meadows Fire Protection District and Sierra Fire Protection District into one fire protection district to be known as the Truckee Meadows Fire Protection District; finalizing the consolidation; providing for the dissolution of the Sierra Fire Protection District and its Board of Fire Commissioners; and providing for other matters properly relating thereto, and if supported, direct staff to set a second reading and possible adoption of ordinance. Truckee Meadows Fire Protection District. (All Commission Districts)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Nancy Parent, County Clerk, read the title for Bill No. 1761.

On the call for public comment, Katherine Snedigar expressed her disappointment with the fire department. She said the volunteers were not receiving emergency medical service training and she believed none of them had a license to drive the fire truck. She stated it was the Board's duty to protect her health, safety and welfare. She closed by stating the Commissioners were in violation of their oaths if they did not provide the means for a volunteer fire department to protect her property.

Bill No. 1761 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

16-0162 AGENDA ITEM 14 Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was no closed session.

16-0163 AGENDA ITEM 15 Public Comment.

Dennis Diullo stated his investigation of the Department of Alternative Sentencing (DAS) had not been pleasant. He noted the DAS was not a law enforcement agency, but a social service. He spoke about his concerns regarding the treatment of probationers and he thought their rights were possibly violated. He questioned the qualification requirements for DAS agents and officers, and felt the requirements needed to be changed. He believed the Board should ensure the people working for DAS were qualified and did not take advantage of the disadvantaged.

16-0164 AGENDA ITEM 16 Announcements/Reports.

There were no announcements or reports.

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12:13 p.m. There being no further business to discuss, the meeting was adjourned without objection.

KITTY K. JUNG, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Michael Siva, Deputy County Clerk*

Pending Board Approval